

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

MATTHEW DEWAN individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

M-I, L.L.C., doing business as M-I
SWACO,

Defendant.

1:14-CV-01151-AWI-MJS

**DIRECTIONS FOR ADDITIONAL
BRIEFING**

(DOC. 31, 48, & 73)

The present matter between Plaintiff Matthew Dewan and Defendant M-I, L.L.C. first came before us in June 2014 from the Southern District of Texas after Judge Harmon granted Sarmad Syed and Ashley Balfour's Motion to Intervene and Transfer the case to this court.

Currently pending now are Defendant's Motion to Transfer to the Southern District of Texas (Doc. 73), Plaintiff's Motion for Partial Judgment on the Pleadings as to Certain Affirmative Defenses (Doc. 48), and Defendant's Motion for Summary Judgment (Doc. 31). The latter two motions were both originally filed in the Southern District of Texas before being transferred here.

1 This court has concerns about what law it should apply to the pending motions in
2 this case if they are decided here. See Van Dusen v. Barrack, 376 U.S. 612 (1964);
3 Ferens v. John Deere Co., 494 U.S. 516 (1990). The court finds that it is appropriate for
4 the parties to submit additional briefing in regards to whether the applicable law should
5 be that of the Eastern District of California and the Ninth Circuit or that of the Southern
6 District of Texas and the Fifth Circuit.
7

8
9
10 **ORDER**

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. The parties file simultaneous briefings on or before June 8, 2015 about whether
13 the law that applies to the pending motions in this case, if the motions are decided
14 here, should be that of the Eastern District of California and the Ninth Circuit or
15 that of the Southern District of Texas and the Fifth Circuit.
16
17

18
19 IT IS SO ORDERED.

20 Dated: May 26, 2015

21 
22 SENIOR DISTRICT JUDGE
23
24
25
26
27
28